

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Lamalsikou Lowe,

Petitioner

v.

Jefferson, et al.,

Respondents

Case No. 2:24-cv-01557-JAD-DJA

**Order Dismissing Petition
and Closing Case**

Petitioner Lamalsikou Lowe, who is in custody at Nevada Southern Detention Center, has submitted what he has styled as a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254.¹ But Lowe has failed to submit an application to proceed *in forma pauperis* or pay the filing fee. As a result of this deficiency, this matter has not been properly commenced, so I dismiss it without prejudice.


The court further notes that the purported petition is not on the court's required form. And while Lowe has titled it "habeas corpus," he is complaining about his conditions of confinement, which is not a proper subject for habeas relief; instead, he would need to raise those concerns in a civil-rights complaint filed under 42 U.S.C. § 1983.

IT IS THEREFORE ORDERED that **this action is DISMISSED** without prejudice to the filing of a new petition in a new action with either a properly completed application form to proceed *in forma pauperis* or the \$5.00 filing fee.

¹ ECF No. 1-1.

1 IT IS FURTHER ORDERED that a certificate of appealability will not issue, as jurists of
2 reason would not find the court's dismissal of this improperly commenced action without
3 prejudice to be debatable or incorrect.

4 The Clerk of Court is directed to **ENTER JUDGMENT** accordingly and **CLOSE THIS**
5 **CASE.**

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U.S. District Judge Jennifer A. Dorsey
October 4, 2024
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